

November 3, 2021

**VIA ELECTRONIC MAIL**

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Re: *In re Facebook, Inc. Consumer Privacy User Profile*,  
 Northern District of California Case No. 3:18-md-02843-VC

Dear Counsel:

In light of the fact that negotiations on a deposition protocol (including provisions concerning scheduling) were unsuccessful, the parties' progress in scheduling depositions has stalled. We are reaching out to restart the process.

As such, this letter starts from where we left off. It reflects the dates Plaintiffs proposed for 10 current and former Facebook employees to be deposed, and responds to Facebook's request for dates to depose Named Plaintiffs by identifying the dates we were prepared to offer. Unfortunately, because scheduling discussions stalled, certain of the dates below may no longer be available.

Further, Plaintiffs acknowledge that Special Master Garrie's deposition protocol may affect these schedules. We will, of course, work with you to address its effect on proposed scheduling, if any, once it is issued.

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### **A. Schedule for Depositions of Facebook Deponents**

On October 25, pursuant to the discovery mediators' request, Plaintiffs identified ten deponents with two proposed dates for each deponent. Plaintiffs' proposal was as follows:

Nov 9 or 10 – Annie Lewis  
Nov 11 or 12 – Jackie Chang  
Nov 16 or 17 – Sam Lessin  
Nov 18 or 19 – Eugene Zarakhovsky  
Nov 22 or 23 – Steve Elia  
Dec 2 or 3 – Mike Vernal  
Dec 7 or 8 – Ime Archibong  
Dec 9 or 10 – Antonio Garcia-Martinez  
Dec. 14 or 16 – Grace Molnar  
Dec. 16 or 17 – Eddie O'Neil

Facebook has not responded to Plaintiffs' proposal. In light of the delay since we proposed these dates and the parties' inability to reach agreement on a deposition protocol, it will no longer be possible for Plaintiffs to take depositions of Annie Lewis or Jackie Chang on the dates we initially proposed. Please let us know which deponents are available on the dates identified, propose new dates for Ms. Lewis and Ms. Chang, and, for others who are not available on the dates we provided, identify options for proposed replacement dates.

### **B. Schedule for Depositions of Named Plaintiffs**

Facebook also identified 10 plaintiffs on October 25 that it indicated it wanted to depose. Five of the 10 are no longer Named Plaintiffs. We assume you named them by mistake. If not, we believe that seeking to take their depositions is improper and will raise the issue with the Discovery Mediators and/or seek appropriate relief from the Special Master.

For the five Named Plaintiffs you identified, we had intended to offer the following dates but they may no longer work.

Nov. 8 or 9 – Tyler King  
Nov. 21 or Dec. 5 – Cheryl Senko  
Dec. 9 or 10 – Jordan O'Hara  
Dec. 13 or 20 – Jason Ariciu  
Jan. 20 or 21 – Steven Akins

Certain Named Plaintiffs have work, family, or location constraints that will require scheduling outside of weekday business hours, which are reflected in the dates above and should be kept in mind if any modifications are required. Ms. Senko has limited time off and her

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deposition will need to take place on a Saturday or Sunday. Ms. King is now living in South Korea and her deposition will need to be scheduled to start at 4 p.m. Pacific Time, which, after the daylight savings time change, will be 9 a.m. there. We are willing to discuss logistics further.

Regards,



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